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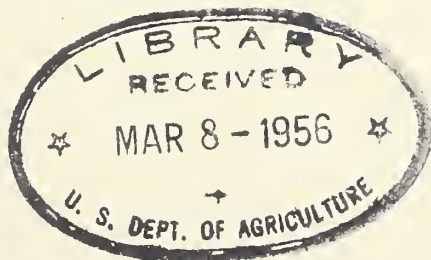
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EXPLANATION OF PROPOSED AMENDMENTS TO REGULATIONS  
UNDER THE FEDERAL SEED ACT

Sec. 201.2(h) This section consists of a list of the agricultural seeds subject to the Federal Seed Act. The old list in some instances gives the name of the genus; in others, the species; and in others, the variety. The amendment lists the seeds in accordance with the category construed to be "kind" as the word is defined under the act. All agricultural seed is required to be labeled as to kind, but there has not been a clear guide as to the category construed to be the "kind."

The list of seeds subject to the act includes Browntop millet. The scientific name is shown to be Panicum fasciculatum, but this is not the species in cultivation under the name, Browntop millet. This is corrected by the deletion of the word "fasciculatum" and the insertion of the proper species name, "ramosum."

The following kinds of agricultural seed are found to be used for seeding purposes in the United States and are being added to be list subject to the act:

Bluestem, yellow	<u>Andropogon ischaemum</u>
Buffelgrass	<u>Fennisetum ciliare</u>
Burnet, little	<u>Sanguisorba minor</u>
Buttonclover	<u>Medicago orbicularis</u>
Castorbean	<u>Ricinus communis</u>
Clover, rose	<u>Trifolium hirtum</u>
Dichondra	<u>Dichondra repens</u>
Indigo, hairy	<u>Indigofera hirsuta</u>
Lovegrass, sand	<u>Eragrostis trichodes</u>
Safflower	<u>Carthamus tinctorious</u>
Sesame	<u>Sesamum indicum</u>
Veldtgrass	<u>Ehrharta calycina</u>
Wheatgrass, pubescent	<u>Agropyron tricophorum</u>
Wheatgrass, intermediate	<u>Agropyron intermedium</u>
Wheatgrass, tall	<u>Agropyron elongatum</u>
Wild-rye, Russian	<u>Elymus junceus</u>



Sec. 201.2(i) The list of vegetable seeds is rearranged to accomplish the same purpose set forth in the first paragraph under Sec. 201.2(h) above.

There is added to the list of vegetable seeds the following kinds which are known and sold under the name of vegetable seeds:

Chinese kale	<del>Brassica oleracea</del> var. <u>alboglabra</u>
Welsh onion	<del>Allium fistulosum</del>

Sec. 201.2(y) This section is amended to define the term hybrid as applied to the different kinds in which varieties of hybrids now exist or may in the future be developed. The present definition of the word is confined to its use with corn. There are increasing numbers of varieties of crops being introduced into commercial channels which are hybrids. There is a tendency to apply the word "hybrid" to the second generation of some crops, and in view of the popularity of hybrids, there is a tendency to use the term in describing varieties that are not hybrids.

Sec. 201.5 This section would be amended to insert in proper order "orchard grass" and "white clover" in keeping with the proposed amendment of Section 201.14 explained on page 3.

Deletion of the third paragraph of section 201.5 has the effect of eliminating a requirement that country shippers and dealers shall retain samples of seed which they purchased. There is some question as to whether this can be required unless the seed is shipped in interstate commerce. Samples of such seed are required to be kept under another section (201.4).

Sec. 201.7 This section is amended for the same reasons set forth in the second paragraph under section 201.5 above. It further provides that growers shall keep certain records of seed subject to the act as specifically provided in section 201.4.

Sec. 201.12 The proposed amendment to the wording of this section is to bring its wording in accord with a proposed amendment to the wording of section 201.34 with respect to variety names of agricultural seeds.

Sec. 201.14 This proposed amendment to the wording of Sec. 201.14 would require that orchard grass and white clover seed be labeled as to origin. This may be warranted under the wording of Section 201(a)(3) which provides that the origin shall be stated in the labeling of each agricultural seed "which has been designated by the Secretary of Agriculture as one on which a knowledge of the origin is important from the standpoint of crop production \*\*\*\*." It is provided in this section that if the origin of such seed is unknown, that fact shall be stated in the label.

Some imported orchard grass seed is apparently not as well adapted in some areas of the United States as seed of domestic origin. It has been proposed that imported orchard grass seed be stained as is now done with imported seed of alfalfa and red clover.

Seed of white clover imported from foreign countries is better adapted for sowing in some sections of the United States than in others. White clover seed of various domestic origins is also considered better adapted for production in some sections than others.

Sec. 201.16 The proposed addition to the wording of Sec. 201.16 is intended to clarify the responsibility for the labeling as to noxious weed seeds of seed diverted in transit or reconsigred for delivery into a State other than that intended by the original shipper. There has been some misunderstanding with respect to the responsibility of the original shipper in these circumstances.

Sec. 201.20 It is proposed by this amendment that an exemption from labeling freshly harvested bluegrass as to germination be effective each year during the months of August and September. This proposed amendment would not exempt carry-over seed and would not exempt seed transported or delivered for transportation in interstate commerce prior to August 1 or after September 30 of each year. This will avoid the necessity of an annual amendment to the regulations and will avoid uncertainty in commercial channels.

Since 1945, it has been deemed necessary each year, with the exception of 1955; to amend the regulations under the Federal Seed Act as authorized by Section 203(c) of the act to exempt freshly harvested Kentucky bluegrass seed during the months of August and September from the provisions requiring the labeling of seed for germination because of the short time interval between seed harvesting and sowing. A germination test of bluegrass seed requires 28 days. The time of harvesting does not permit processing, testing, and distribution in time for the normal fall sowing season. There is usually not enough carry-over seed to meet the demand for fall sowing.

Sec. 201.26 The proposed amendment to section 201.26 applies to the labeling as to variety of vegetable seeds in the same manner as section 201.12 applies to agricultural seeds. The wording is changed to be consistent with the proposed amendment of section 201.34.

Sec. 201.31 This proposed amendment provides a germination standard for Chinese kale and Welsh onion which are added to the list of vegetable seeds. The list is rearranged in alphabetical order in accordance with the kinds listed in the proposed wording of section 201.2(i). The standard of 75-percent germination for these two kinds of seed is believed to be a reasonable standard of germination that will protect crop production in accordance with the provisions of section 403(c) of the act.

Sec. 201.34 The proposed addition of paragraphs (b), (c), and (d) are intended to provide a better guide in the labeling of seed as to variety name. The present regulations under the act state that the variety names shall be "recognized variety names." There has been no clear-cut guide available to the public as to how to determine what may be construed as the proper variety name. Publications with respect to varieties have been issued by the U. S. Department of Agriculture, State Experiment Stations, and commercial sources. On occasion, there is conflict between these publications and for many varieties publications are not available. The proposed amendment includes a list of variety names for a few kinds of agricultural and vegetable seeds for which lists have been prepared.

Sec. 201.36(b) This proposed amendment is intended to clarify the manner in which variety names may be included in descriptive advertising matter without being construed as misleading under the Federal Seed Act.

Sec. 201.42 This amendment is reworded to make it clear that the seed in one container may serve as an adequate sample in some circumstances. The wording of section 201.42 has not adequately provided instructions for the sampling of seed in small containers. This applies particularly to lawn seeds which are usually sold in quantities ranging from one to five pounds. It is not possible, normally, to remove portions of such seed from several containers.

Sec. 201.45 to 201.65 (incl.) It is proposed that several changes be made in the methods of testing as set forth in sections 201.45 to 201.65 (incl.) in order that they may be brought into accord with changes in rules for

seed testing adopted by the Association of Official Seed Analysts at its meeting in 1954. The Association of Official Seed Analysts recommended that the changes become effective as of July 1, 1955. The changes are numerous and technical in nature. In general, they are intended to add clarity to the wording of the rules and to provide additional detailed instructions which are designed to increase the uniformity in results of tests among analysts throughout the United States. These modifications should assist in the labeling of seed in compliance with the provisions of the Federal Seed Act.

(New Section) This proposed addition to the regulations would provide tolerances to be recognized under the Federal Seed Act in the determination of kind, variety, or type of seed by the growing of plants in the field and greenhouse. The smallest tolerance recognized is five percent.

Sec. 201.101 Castorbean, lettuce, winter rape, safflower, and sesame are added to the list of kinds which are found in accordance with section 302(c) of the act to be imported in a substantial proportion for other than seeding purposes. These kinds may be exempted from the act when imported for other than seeding purposes.

Sec. 201.102 The proposed amendment to this section would add the following five kinds of seed to the list of those kinds which may be imported into the commerce of the United States with pure live seed less than the 75-percent:

Bluestem, yellow-----	25%
Buffelgrass-----	50%
Lovegrass, sand-----	50%
Veldtgrass-----	35%
Wild-rye, Russian-----	60%

Section 304(c) of the act authorizes setting up a lower pure live seed percentage when it is found that the seed cannot be produced to contain 75-percent pure live seed. Experience has shown that these kinds cannot be produced to contain 75-percent pure live seed. The kinds of seed included in this proposed amendment are proposed to be added to those subject to the act in the proposed amendment of section 201.2(h).

Section 201.107 The plant family, Piperaceae, is added to the list of families in this section so that the seed scientifically known as Piper nigrum, which is found occasionally in imported seed, may be properly regarded as weed seed.

An addition to the list of incidental weed seeds is also proposed as follows:

Alfileria	<u>Erodium cicutarium</u>
Beggarweed	<u>Desmodium tortuosum</u>
Bluegrass annual	<u>Poa annua</u>
Burnet, little	<u>Sanguisorba minor</u>
Dichondra	<u>Dichondra repens</u>
Sesbania	<u>Sesbania exaltata</u>

Seeds of these species are sometimes regarded as weeds and should be so considered when occurring incidentally in importations of seed.

Sec. 201.22 This proposed amendment is included for consideration at the request of the American Seed Trade Association. It would extend the period of time between the date of the test to determine germination and the date on which the seed may be shipped in interstate commerce, from the five months exclusive of the date of test now provided, to eight months exclusive of the date of test. The chief interest in this proposal is in its application to lawn seed in small containers.

Sec. 201.31 This proposed amendment is included for consideration at the request of the American Seed Trade Association. It would set the germination standards for all varieties of garden beans at 70-percent. In 1946, the standard was reduced from 80-percent to 75-percent. The present standard is 75-percent for all varieties except Rival, Topcrop, and Logan. In 1950, the standard for these named varieties was reduced to 70-percent.

#### JOINT REGULATIONS

The following sections are a part of the joint regulations of the Secretary of Agriculture and the Secretary of the Treasury and apply to seed importations.

Sec. 201.208 This proposed amendment is to add castorbean, safflower, and sesame seed to the kinds to be sampled only when imported for seeding purposes.

Sec. 201.212 The proposed amendment to section 201.212 would clarify the method of sampling seed offered for importations in small containers and make it permissible to accept as an official sample the seed in one container. This proposed change is similar to the change proposed in section 201.42.

Sec. 201.222 This proposed amendment adds to the kinds of seed subject to exemption when imported for other than seeding purposes and indicates the nature of the declarations required. The kinds of seed added are as follows:

castorbean	lettuce
safflower	winter rape
sesame	

Sec. 201.230 The proposed amendment to this section would clarify the necessity of customs supervision of the exportation of seed which has been refused admission into the commerce of the United States under the Federal Seed Act.



